

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN THE MATTER OF THE SEARCH OF)

UPMC MERCY HOSPITAL MEDICAL) MAGISTRATE NO. 20-1589
RECORDS OF LAWRENCE LOUIS ATTISANO) UNDER SEAL

AFFIDAVIT FOR SEARCH WARRANT

INTRODUCTION

I, William Davis, being duly sworn, state as follows:

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) assigned to the Pittsburgh, Pennsylvania (PA) field office. I have been employed as a Special Agent for the ATF since 2018. Between 2014 and 2018, I served as a Special Agent at South Carolina Law Enforcement Division (SLED). During that time, I was assigned to the state narcotics division and served as a Task Force Officer (TFO) with the Federal Bureau of Investigation (FBI) in Columbia, South Carolina Violent Gang Task Force.

2. As part of my current duties, I investigate violations of federal arson laws, including Title 18, United States Code Section 844(i), Use of Fire to Destroy Property Affecting Interstate Commerce. I have become familiar with federal laws addressing arson cases. I know that since at least 1985, United States Courts have routinely considered rental residences as being used in, or affecting interstate commerce (Russell v. United States, 471 U.S. 858 (1985)).

3. As a federal agent, your affiant is authorized to investigate violations of laws of the United States and is a law enforcement officer with the authority to execute warrants issued under the authority of the United States.

4. This affidavit is submitted in support of my request for a search warrant for medical records of LAWRENCE LOUIS ATTISANO, a/k/a "GIO ATTISANO" regarding treatment he

received on July 16, 2020 for burns to his body, and for records relating to any additional treatment for those injuries after July 16, 2020. GIO ATTISANO's date of birth year is 1986 and his social security number last four digits is 4066 according to a search of the Pennsylvania Justice Network (JNET) database.

5. The statements in this affidavit are based in part on my investigation of this matter, including my personal observations, my training and experience, and on information provided by other law enforcement agents. Because this affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I set forth only those facts that I believe are necessary to establish probable cause to believe that evidence of a violation of Title 18 U.S.C. § 844(i) (Use of Fire to Destroy Property Affecting Interstate Commerce) will be located within the records to be searched.

6. As set forth in more detail below, this investigation relates to the involvement of GIO ATTISANO in setting a fire on July 16, 2020 at 421-423 Lamar Avenue, Pittsburgh, Pennsylvania 15221. The investigation is being conducted by investigators from the Allegheny County Fire Marshals Office ("ACFM"), ATF and the Allegheny County Police Department ("ACPD").

SEARCHES OF MEDICAL RECORDS

7. I know that people who go to hospitals seeking medical treatment for injuries are routinely asked by hospital personnel to explain how, when and where they sustained their injuries. I also know that hospitals routinely maintain records of the statements of their patients regarding the circumstances relating to the injuries being treated. I also know that it is common for hospital personnel to take photographs of their patients' injuries, and to maintain such photographs in the hospital records for such patients. Consequently, in criminal investigations in which an individual

is suspected to have sustained burn injuries in connection with his unlawful ignition of a fire, the hospital records relating to the treatment of such injuries will likely contain evidence relevant to the patient's suspected commission of that crime.

8. As set forth in more detail below, there is probable cause to believe that GIO ATTISANO accidentally burned himself while maliciously setting a fire at 421 Lamar Avenue in Pittsburgh on July 16, 2020, and shortly thereafter sought medical treatment at UPMC Mercy Hospital for those burns. Accordingly, there is probable cause to believe that UPMC Mercy Hospital's records relating to the treatment of GIO ATTISANO for injuries sustained on July 16, 2020 will contain evidence relevant to GIO ATTISANO's involvement in maliciously setting the fire at 421 Lamar Avenue on July 16, 2020 in violation of 18 U.S.C. § 844(i). According to UPMC hospital personnel, who were contacted by your affiant on July 29, 2020, the UPMC Mercy Hospital records are maintained at 450 Melwood Avenue, Pittsburgh, Pennsylvania, 15213. Your affiant has also been informed by UPMC Mercy Hospital personnel that they will accept service of a federal search warrant via Fax to phone number 412-864-5815, or by electronic mail (e-mail) at address SubpoenaHIPAARew@upmc.edu, and will retrieve and provide your affiant with the records described in such a warrant. Accordingly, if the warrant being requested herein is issued, I will serve that warrant at the aforementioned fax number or e-mail address.

PROBABLE CAUSE

9. On July 16, 2020, at approximately 12:02 a.m., firefighters from the Pittsburgh Bureau of Fire responded to a residential structure fire at 421-423 Lamar Avenue, Pittsburgh, PA 15221, in the municipality of Wilkinsburg, PA. The affected structure was a duplex that was occupied by residents on both sides of the structure at the time of the fire.

10. The entire duplex, to include units 421 and 423, is owned by Nathaniel MCLAUGHLIN and is occupied on one side, which is unit 421, by MCLAUGHLIN and his girlfriend. The adjoining side, unit 423, is occupied by tenants, who rent from MCLAUGHLIN. The fire was reported by MCLAUGHLIN, who described the event as follows: MCLAUGHLIN heard an explosion, which he described as a loud boom, immediately preceded by a hissing sound, or air movement. The explosion shook the structure and seemed to come from the rear of his residence. MCLAUGHLIN ran to the kitchen, located in the rear of the residence, and from there he observed flames coming out of the window to his basement. Smoke filled his entire residence following these observations. MCLAUGHLIN and his girlfriend, Haley OVERMAN, then went next door to alert the rental tenants of the fire. All occupants were able to exit the residence safely without injuries and waited for responding firefighters.

11. The ACFM was requested to conduct the fire scene investigation for the purposes of determining the area of origin and cause of the fire. The area of origin was deemed to be in the rear basement entrance area underneath MCLAUGHLIN's side of the duplex. Regarding the cause of the fire, the ACFM initially suspected that there had been a spontaneous ignition of planter items in the basement, and that the cause of the fire should be classified as "accidental". However, after further investigation later that same day, the ACFM changed the classification from "accidental" to "incendiary" (arson).

12. On the afternoon of July 16, 2020, an accelerant detection canine was utilized by the ACFM for a sniff search of that area. The dog positively alerted for the presence of an accelerant. Several items of evidence were therefore collected and submitted to the Allegheny County Crime Lab for laboratory analysis. The results of the analyses of those fire debris items

are still pending currently. The fire resulted in approximately \$30,000 in damage to the property, but no injuries.

13. On the same day of the fire, Allegheny County Fire Deputy Marshals discovered a pair of partially burned black latex gloves, and a partially burned baseball hat, in the area of the backyard to the residence. The finger portion of a black latex glove was also located immediately outside of the gate to the backyard of the residence, on the walkway leading to the backyard. On or about July 18, 2020, MCLAUGHLIN contacted investigators and reported that he had discovered a wedding ring on the ground in the approximate area where the burned gloves had been found. The ring is described as a silver ring with no designs or initial engravings.

14. The post-fire investigation has revealed that, on July 16, 2020, at approximately 12:07 a.m. (which was approximately 5 minutes after the fire was reported), a Subaru Outback with Pennsylvania license plate of GBM5262, registered to Claire Pauline MCCANDLESS, was photographed by an Automated License Plate Recognition device at the Squirrel Hill Tunnel. Ms. MCCANDLESS is GIO's wife, and MCCANDLESS is her maiden name. This location is approximately 2.7 miles away from the aforementioned fire scene. The vehicle was driving on Parkway 376 inbound, in lane 2, which is traveling away from the fire scene and in the direction of the ATTISANOs' residence.

15. Post-fire investigation has also revealed that MCLAUGHLIN is a partial owner of Pittsburgh Brewing Ventures (PBV). At the time of the fire, MCLAUGHLIN and GIO were business partners. PBV's business, as well as MCLAUGHLIN's and GIO's respective relationships to PBV, were described by MCLAUGHLIN as follows: MCLAUGHLIN and GIO each owned 30% of the business, with the remaining 40% being owned by a group of investors. During the weeks prior to the fire, according to MCLAUGHLIN, he and GIO's relationship had

deteriorated to the point that MCLAUGHLIN had offered to buy GIO's share of PBV from GIO, and thereby have him removed from the business. However, GIO refused the offer. Consequently, MCLAUGHLIN and the investors set up a meeting for the evening of July 16, 2020, at which time MCLAUGHLIN intended to call for a forced buyout and ouster of GIO from PBV. According to MCLAUGHLIN, prior to July 16, 2020, he told GIO of his intended actions for that meeting. However, as explained below, the meeting never occurred.

16. At approximately noon on July 16, 2020, GIO's wife sent a text message to MCLAUGHLIN stating that GIO had an emergency and was in the intensive care unit at the University of Pittsburgh Medical Center (UPMC) Mercy Hospital in Pittsburgh, PA. Claire ATTISANO asked MCLAUGHLIN to postpone the above referenced meeting scheduled for later that day. GIO's wife did not tell MCLAUGHLIN what had happened to GIO. MCLAUGHLIN later learned that GIO's hospitalization was for burns to his body.

17. On July 20, 2020, Allegheny County Police Department (ACPD) Detectives went to the ATTISANO residence located at 119 43rd Street, Pittsburgh, PA, 15201. Claire ATTISANO was at home, but GIO was at UPMC Mercy Hospital. The detectives interviewed Claire ATTISANO, who provided the following information: Claire and GIO ATTISANO own two vehicles, and both are registered in Claire's maiden name of MCCANDLESS. The Subaru with PA license plate of GBM5262 is primarily operated by GIO ATTISANO. On July 16, 2020, Claire ATTISANO was out of town on vacation in Rehoboth Beach, Delaware. At approximately 6:50 a.m., GIO called her and stated that he had burned himself with grease while cooking bacon. GIO stated to Claire that his sister was coming to pick him up and take him to UPMC Mercy Hospital.

18. During the interview on July 20, 2020, Claire ATTISANO gave consent to ACPD Detectives to photograph her kitchen area. Claire stated that the grease had gotten onto the

hardwood floors, but she did not know if the grease had caught fire. Detectives noted that there was no visible evidence of smoke or staining from a cooking incident on the floors, countertops or cabinetry. Claire stated to detectives that she thought that it was odd that GIO was cooking bacon so early in the morning. Claire advised that when she had gone to the hospital to see GIO, she took photographs on her cellular phone of burns that GIO had suffered to his face, hands, back, legs and feet. Claire showed these photographs to ACPD detectives.

19. On July 20, 2020 ACPD detectives requested to see the Subaru Outback with PA license plate GBM5262, registered to Claire MCCANDLESS and primarily operated by GIO ATTISANO. Claire gave detectives consent to look inside the vehicle and opened the driver side door for detectives. Detectives observed and photographed fire debris, specifically ash from some item having been burned, on the driver seat and on the center console area of the vehicle. Claire was asked to give consent for the detectives to collect evidence and conduct a thorough search of the vehicle. However, Claire did not consent.

20. During the interview with Claire ATTISANO, the topic of the whereabouts of GIO's wedding ring was discussed. According to Claire ATTISANO, GIO's wedding ring is currently missing. Claire ATTISANO did not elaborate on how long GIO's wedding ring has been missing or where he may have lost it. Claire ATTISANO described the ring as a silver ring with no designs or personal engravings. Your affiant has attached a photo of GIO ATTISANO, saved from ATTISANO's Facebook account, which was preserved by investigators during this investigation, which shows GIO wearing his wedding ring. A photo of the ring found on the ground in the near of where the burned latex gloves had been found is attached hereto.

CONCLUSION

Based upon the foregoing, there is probable cause to conclude that, in the Western District of Pennsylvania, GIO ATTISANO has committed a violation of Title 18, United States Code, Section 844(i). There is also probable cause to believe that evidence of that offense will be found in UPMC Mercy Hospital's records relating to the treatment of GIO ATTISANO for burn injuries he sustained on July 16, 2020.

INFORMATION TO BE SEARCHED AND ITEMS TO BE SEIZED

I anticipate executing this warrant by serving it upon UPMC Mercy Hospital either by fax or by email, requiring UPMC Mercy Hospital to provide, with respect to patient Lawrence Louis Attisano, date of birth year 1986 with social security number ending 4066, for the period of July 16, 2020 to the present, copies of all UPMC Mercy Hospital's records, in hard copy and/or electronic format, as well as any personal clothing items of this patient, in the possession of UPMC Mercy Hospital, as more fully described in Attachment A. Upon receipt of the information and items set forth in Attachment A, government authorized persons will review them for the purpose of identifying and seizing the items described in Attachment B.

The above information is true and correct to the best of my knowledge, information and belief.

Respectfully submitted,

/s/ William Davis

William Davis, Special Agent, ATF

Sworn and subscribed before me, by telephone
pursuant to Fed. R. Crim. P. 4.1(b)(2)(A),
this 4th day of August, 2020

CYNTHIA R. EDDY
CHIEF UNITED STATES MAGISTRATE JUDGE

**WILKINSBURG
EVIDENCE**

Case No. W20-06596 P.V. # _____

Suspect _____

Victim Nathan McLaughlin

Type of offense Arson

Description of evidence (1) Silver Ring
(2) Glass next to RT glasses

Date and time of recovery 07/18/20 1850 hrs

Location of recovery 421 Lamar Ave

Recovered by Cunningham



ATTACHMENT A

This warrant applies to UPMC Mercy Hospital records, in hard copy and/or electronic format, as well as any personal clothing items in the possession of UPMC Mercy Hospital, for patient LAWRENCE LOUIS ATTISANO, date of birth year 1986, with social security number ending in 4066, for the period of July 16, 2020 to the present.

ATTACHMENT B

Documents, objects, records, and/or visual depictions, in hard copy or electronic format, relating to or containing information regarding LAWRENCE LOUIS ATTISANO, date of birth year 1986, and social security number ending in 4066:

1. The dates and times that this individual arrived at and departed from UPMC Mercy Hospital from July 16, 2020 to the present;
2. Any and all injuries reportedly sustained by this individual;
3. Any and all statements made by this individual, or by persons who accompanied or visited this individual;
4. The names of all UPMC Mercy personnel with whom this individual had contact from July 16, 2020 to the present;
5. The diagnoses, observations, treatments, impressions, opinions and statements of UPMC physicians and other personnel regarding this individual or his injuries;
6. Visual depictions, including but not limited to any and all photographs or videos of this individual and/or his injuries, from July 16, 2020 to the present; and
7. Personal clothing worn by this individual when he arrived at UPMC Mercy on July 16, 2020.